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Application No. 10/780,119
Docket No. 033171-146**REMARKS**

By the above actions, a spelling error in the specification has been corrected, claims 1, 7 and 15 have been amended and claims 2 and 8 canceled. Additionally, a Declaration of Robert Lang accompanies this response. In view of these actions and the following remarks, further consideration of this application is requested.

Rejections under 35 U.S.C. §112

Claims 15, 16, 18-22, 24-26 and 28-30 were rejected under § 112, first paragraph for failing to comply with the written description requirement and for containing new matter with regard to the reference in claims to the selective supply of power from the generator and battery. However, the selective language has been removed from the claims and as evidenced by the statements in paragraph 3 of the accompanying Declaration of Robert Lang, the claims as currently presented are consistent with original disclosure and the language questioned by the Examiner would not be interpreted in the manner that it was in the Office Action. Thus, since literal recitation of the language of the claims in the specification is not required but rather it is sufficient that "the specification describe the invention sufficiently for those of ordinary skill in the art to recognize that the applicant invented the subject matter he now claims" *In re Voss*, 194 USPQ 267, 271 (CCPA 1977) citing *In re Smythe*, 480 F.2d 1376, 1382, 178 USPQ 279, 284 (CCPA 1973); see also, MPEP §2163, Part I & Part II.B, the written description requirement has been met with respect to the claims. Therefore, withdrawal of the rejection under § 112, first paragraph is in order and is requested.

Rejections under 35 U.S.C. §103

Claims 1, 2, 7, 8, 15, 16, 18-21, 26, 29, and 30 have been rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,260,367, to Khelifa et al., when viewed in combination with PCT Publication No. WO 01/40005 to Kang. However, to the extent that these rejections might relate to the claims as now presented, they should be withdrawn for the following reasons.

Here again, the Examiner's attention is directed to the accompany Declaration of Robert Lang which explains why combining of these two references would be counterintuitive and thus is unobvious. In this regard, it is noted that the independent claims

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have been amended to reflect the distinctions of the invention referred to by Mr. Lang, i.e., that the latent cold holdover is connected between the first and second coolant circuits with both the first and second coolant circuits passing therethrough, the first coolant circuit being operative for charging the latent cold holdover during said driving mode and said second coolant circuit being operative for extracting cold from the latent cold holdover during said stationary operating mode. Claim 1 also includes the further feature not disclosed by the prior art that a heating means provides a source of heat for delivery to within the motor vehicle and a blower is provided for directing air both over the heat exchanger and the heating means. In this regard, it is noted that the heating means can be the fuel fired heater and heat exchanger combination of Fig. 2, the PCT or fuel/air heater of Fig. 3 (see, paragraphs [0029] & [0030] on page 6). Therefore, in view of the amendments and declaration evidence, the rejection under § 103 based upon the combination of the Khelifa and Kang references is in order and is requested.

Claim 22 was rejected under 35 USC § 103 based on the combination of the Khelifa and Kang references when viewed in further combination with the Bay et al. patent. However, Bay et al. cannot overcome the shortcomings of the basic combination of the Khelifa and Kang references since it lacks the same features and teachings. Thus, this rejection should also be withdrawn.

Claims 24 & 35 was rejected under 35 USC § 103 based on the combination of the Khelifa and Kang references when viewed in further combination with either the Burk et al. patent or the Herta patent application publication. However, merely adding a collector and dryer as taught by these references to the Khelifa device would not lead to the present invention as now claimed. Thus, this rejection should also be withdrawn.

Claim 28 was rejected under 35 USC § 103 based on the combination of the Khelifa and Kang references when viewed in further combination with the Herta patent application publication. However, merely adding a blower to blow air through the condenser of Khelifa also would not lead to the present invention as now claimed. Thus, this rejection should also be withdrawn.

Therefore, on the basis of the foregoing, it is submitted that all of the outstanding rejections should be withdrawn, and action to that effect is requested.

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While this application should now be in condition for allowance, in the event that any issues should remain after consideration of this response which could be addressed through discussions with the undersigned, then the Examiner is requested to contact the undersigned by telephone for that purpose.

Respectfully submitted,

By: 

David S. Safran
Registration No. 27,997

Customer No. 25570

Roberts Mlotkowski & Hobbes P.C.
P.O. Box 10064
McLean, VA 22102

Direct Telephone: (703) 584-3273

DSS:kmm